

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14764 of 2004

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Between:

Shaik Faheem, s/o Shaik Ahmed,
r/o H.No.5-105, Nagarjuna Colony, Ferozguda,

Balanagar, Hyderabad.

..... PETITIONER

AND

-

The Divisional Forest Officer, Flying Squad, Nirmal

Mandal Nirmal, District Adilabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or more particularly one in the nature of writ of mandamus declaring the action of the respondent will seizing the vehicle AP12U 4184 Under Pro.No.2485 in proceedings No.61/2004/FSP (NRL) dated 22-2-2004 is illegal arbitrary is null and void and respondent not to proceed to take any action for confiscation of the lorry No. AP 12U 4184 in pursuance of the illegal seizure and direct the respondent to release the lorry

Counsel for the Petitioner: MR.M.T.GHORI

Counsel for the Respondent No.: GP FOR FORESTS

The Court made the following ORDER:

Petitioner's vehicle A.P.12U 4184 was seized vide proceedings No.61/2004/FSP (NRL) dated 22-2-2004 under Section 44 of the A.P. Forest Act 1967 for illegal transportation of the forest produce viz., teak logs, which are still pending. In view of the same, the petitioner moved this court by way of filing the present writ petition for release of vehicle, pending confiscation proceedings.

It is not in dispute that the petitioner was issued show cause notice on 15-7-2004 calling upon him to show cause as to why the timber together with the aforesaid vehicle should not be confiscated for which the petitioner has filed his explanation. In view of the same, the petitioner has to necessarily be approached the authorities. Learned counsel for the petitioner insists that the vehicle may be released, pending investigation proceedings. It is well settled by the Supreme Court in State of **Karnataka V. K. Krishna** that liberal approach, in the matter of releasing the vehicle when it is involved in committing of various offences, is not called for and the vehicle shall not normally be returned to the parties till claim proceedings are completed.

In view of the same I see no grounds to order release of vehicle except directing the respondents to complete the enquiry and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

Accordingly the Writ Petition is disposed of. No costs.

A. Gopal Reddy, J.

19th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Forest Officer, Flying Squad, Nirmal Mandal Nirmal, District Adilabad.
2. 2 CCs to G.P. for Forests, High Court Buildings, Hyderabad. (OUT).
3. 2CD copies